

CERTIFICATE OF MAILING
I hereby certify that this paper and every
paper referred to therein as being enclosed
is deposited with the U.S. Postal Service
as first class mail, postage prepaid, in
an envelope addressed to Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 14, 2004 (Date of Deposit)
04-14-2004 Shelly Hanwa
Date Name

PATENT

#23

DAC



Attorney Docket No.: 004609

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroji Hanwa, et al.)
Application No.: 09/638,075) Examiner: R. McDonald
Filed: August 11, 2000)
For: EXTERNALLY EXCITED TORROIDAL) Group Art Unit: 1763
PLASMA SOURCE)

**PETITION UNDER 37 C.F.R. 1.183
(MPEP 711.03(c)I)**

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APR 21 2004

OFFICE OF PETITIONS

The attached Petition to Withdraw Holding of Abandonment is being filed twelve days after the expiration of the two-month grace period in which to respond to the Notice of Abandonment dated February 2, 2004. The 12-day delay, from February 2, 2004 until today, was unintentional.

The reason this delay occurred is that the experienced paralegal assigned by Applied Materials, Inc. to the handling of the correspondence in this application became unavailable on or about Friday, January 30, 2004, one business day before the mailing date of the Notice of Abandonment. Her cases were eventually taken over by a new employee, Emma Koh, who had no prior experience in patent prosecution and did not understand the significance of the Notice of Abandonment dated February 2, 2004 nor the need to respond to it immediately, or expedite its forwarding to the undersigned. Ms. Koh probably received the Notice of Abandonment around February 14, 2004, as it was apparently received by Applied Materials on February 11, 2004. Our telephonic inquiries and discussions with Ms. Koh made today caused Ms. Koh to realize for the first time the nature and significance of the Notice of Abandonment and faxed it immediately to our office. Also, the

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undersigned was unaware of the receipt of the Notice of Abandonment at Applied Materials until today. Therefore, there was no intentional delay in responding to the Notice of Abandonment.

MPEP 711.03(c)I, 3rd paragraph, provides, in part, "Rather than dismiss an untimely petition to withdraw the holding of abandonment. . . The Office may treat an untimely petition to withdraw the holding of abandonment on its merits in a utility or plant application filed on or after June 8, 1995, on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application." Such a terminal disclaimer is attached to the accompanying petition. Therefore, applicants hereby petition the Commissioner to treat the attached Petition to Withdraw Holding of Abandonment on its merits.

The required fee under 37 C.F.R. 1.17(h) is submitted herewith.

April 14, 2004

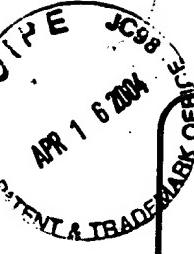
Date

Robert M. Wallace

Signature

Robert M. Wallace
Registration No. 29,119
Attorney for Applicants

Robert M. Wallace
Patent Counsel
2112 Eastman Avenue, Suite 102
Ventura, CA 93003
(805) 644-4035



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 240.00)

Complete if Known

Application Number	09/638,075
Filing Date	August 11, 2000
First Named Inventor	Hiroji Hanawa, et al.
Examiner Name	Rodney McDonald
Art Unit	1763
Attorney Docket No.	004609

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number
Deposit Account Name

50-0338
Michaelson & Wallace

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Fee	Small Entity Fee Code (\$)	Fee	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	
			- 3** =	X	

Large Entity Fee Code (\$)	Fee	Small Entity Fee Code (\$)	Fee	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued) RECEIVED

APR 21 2004

OFFICE OF PETITIONS

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	130
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)		Terminal Disclaimer	110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 240.00)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Robert M. Wallace	Registration No. (Attorney/Agent)	29,119	Telephone	805-644-4035
Signature				Date	04-14-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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paper referred to therein, as being enclosed
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on April 14, 2004 Date of Deposit

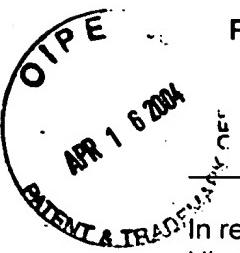
04-14-2004 Shelly Hart

Date

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON FAILURE TO
RECEIVE OFFICE ACTION**

CONFIRMATION
COPY Attorney Docket No. 004609

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:
Hiroji Hanawa, et al.
Serial No.: 09/638,075
Filed: August 11, 2000
For: EXTERNALLY EXCITED TORROIDAL PLASMA
SOURCE

Art Unit: 1763
Examiner: Rodney McDonald

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 21 2004

OFFICE OF PETITIONS

Dear Sir:

Applicants hereby petition the Commissioner to withdraw the above-identified application from abandonment.

The Notice of Abandonment was mailed out by the USPTO on February 2, 2004 indicating that the subject application was abandoned based upon Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance, and that the issue fee and publication fee have not been received.

Applicants have searched the subject file for the Notice of Allowance papers. Applicants conducted a search of their docket records which evidenced that the papers were not received. A copy of the docket record search results indicating where the papers would have shown up is enclosed herewith. The first two "screens" have the action items received. The last "screen" is the case data.

Accordingly, it is respectfully requested that this petition be granted and a new Notice of Allowance/Issue Fee Due be issued.

This petition is accompanied by a Petition under 37 CFR 1.183 and a Terminal Disclaimer pursuant thereto.

Date: April 14, 2004

Respectfully submitted,

Robert M. Wallace
Attorney for Petitioners
Reg. No.: 29,119
(805) 644-4035

PCMaster v3.03.02 - Applied Materials - [Patent]

File Edit Records Utilities Tools Help

Docket Number: 004609
 Country: United States
 Case Type: TERMINAL DISCLAIMER
 Relation Type: ORIGINAL OR PATENT CASE
 Filing Type: NATIONAL CASE
 Filing Number:

Attorney: Joseph Bach
 Law Firm: Law Office of Robert M Walla
 Client\Division: ETCH
 Current Owner: Applied Materials, Inc.
 Previous Owner:
 AMJ#

EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE

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 OFFICE OF PETITIONS

Action No.	SAP Dkt No	Related Id	Title	Text	SAP/CC#	Product	Aty Cmts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext Files	Inventors
► NOTICE OF MISSING	12/26/2000				01/26/2001	GAV	
INVENTOR FILING	02/21/2001				03/06/2001		
OFFICE ACTION	05/07/2002	02/20/2002	08/07/2002	05/07/2002	mw		
PCT SEARCH REPORT	06/14/2002	04/04/2002		04/18/2002	mw		
OFFICE ACTION	11/07/2002	08/15/2002	02/07/2003	08/28/2002	mw		
TERMINAL DISCLAIMER			05/25/2020		09/!		
SUPPLEMENTAL IDS				02/05/2002			
Foreign to be Completed		08/09/2001	08/11/2001!	08/13/2001	COK		
INFORMATION				08/29/2000			
IA'S COMBINED FOR				05/23/2001	WIL		
IDS NOT APPLICABLE				06/18/2003			

Created: 08/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

Start PCMaster v3.03 Re: 4609 USA M Aa:ADDRESSES.doi Bank Of America On: QV

PCMaster v3.03.02 - Applied Materials - [Patent]

File Edit Records Utilities Tools Help

Docket Number	004609	Attorney	Joseph Bach
Country	United States	Law Firm	Law Office of Robert M Walla
Case Type	TERMINAL DISCLAIMER	Client\Division	ETCH
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		AMJ#	

EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE

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APR 21 2004

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Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes
Certified Copies ordered				03/05/2001	
SUPPLEMENTAL				05/14/2002	
Foreign Filing				08/09/2001	COI
PRELIMINARY				02/13/2001	
CIP APPLICATION				10/30/2002	
SUPPLEMENTAL IDS				06/13/2001	
PRELIMINARY				05/04/2001	
SUPPLEMENTAL				07/15/2002	
FILING RECEIPT				04/16/2001	
PCT SEARCH REPORT				03/14/2002	
*					

Created: 09/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

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PCMaster v3.03.02 - Applied Materials - [Patent]

File Edit Records Utilities Tools Help

Docket Number	004609	Attorney	Joseph Bach
Country	United States	Law Firm	Law Office of Robert M Wallace
Case Type	TERMINAL DISCLAIMER	Client\Division	ETCH
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		AMJ#	

EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE

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Other Nos.	SAP/DK#	Related Id	Title	Text	SAP/CCH#	Product	Aty Cnts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext. Files	Inventors
Status	APPLICATION IS FILED			First Filing Date	08/11/2000		
Sub Status				Sub Status Date			
Parent Country	United States			Parent Filing Date	08/11/2000		
Parent Number	09/638,075			Parent Grant Date			
Total Claims	37			Ind. Claims\Designs	1		
Application Number	09/638,075			Application Date	08/11/2000		
Patent Number				Grant Date			
Publication Number				Publication Date			
Assigned	ASSIGNMENT RECORDED			Expiration Date			
Convention Type	FIRST FILED CASE			Tax Base Date			
Government Contract				Next Tax Date			

Created: 08/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

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Susana Antunes, Patent Administrator
 Applied Materials, Inc.
 Intellectual Property Department, Global Law Department
 Mail Stop 2061-Legal
 Direct: 408-986-3923 Fax: 408-986-3090
 email:susana_antunes@amat.com

Shelly Hart <rwallace@pcmagic.net> 08/14/2003 02:41 PM	To: Joseph Bach/APPLIED MATERIALS@AMAT cc: Susana Antunes/APPLIED MATERIALS@AMAT Subject: Re: 4609 USA M URGENT
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UNITED STATES PATENT AND TRADEMARK OFFICE

RECD FEB 11 2004

COPY

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,075	08/11/2000	Hiroji Hanawa	4609 USA/ETCH/DICP	1010
32588	7590	02/02/2004		
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			EXAMINER	MCDONALD, RODNEY GLENN
			ART UNIT	PAPER NUMBER
			1753	
			DATE MAILED: 02/02/2004	

*ABN**P #21*

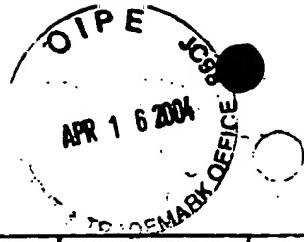
Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 21 2004

OFFICE OF PETITIONS

APR 12 2004



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/638, 675			

RECEIVED

EXAMINER

APR 21 2004

OFFICE OF PETITIONS	ART UNIT	PAPER NUMBER
		P 121

DATE MAILED:

ABANDONMENT
CONTACT PERSON IS
TOM HAWKINS
305-8380

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- No reply has been received.
- Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- The issue fee and publication fee, if applicable, have not been received.
- Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
 Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- No corrected drawings have been received.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below: _____ Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.